

**BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.**

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**JUL 01 2005**

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WRITER'S DIRECT DIAL

June 30, 2005

**VIA OVERNIGHT MAIL AND ECFS**

**Ref. Rm.**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

c/o Mellon Client Service Center  
500 Ross Street, Room 670  
Pittsburgh, Pennsylvania 15262-0001

Attention: Lockbox Number 358165

**Re: WAPT-DT, Jackson, Mississippi  
MB Docket No. 03-15  
Supplement to Maximization Waiver Request and  
Request for Extension and Modification of  
Special Temporary Authority**

Dear Ms. Dortch:

On behalf of WAPT Hearst-Argyle Television, Inc. ("Hearst-Argyle"), permittee of Digital Television Station WAPT-DT, Jackson, Mississippi, this letter shall serve as a supplement to Hearst-Argyle's "use-it-or-lose-it" maximization waiver request (filed by letter dated May 10, 2005) for the purpose of providing the

Marlene H. Dortch  
June 30, 2005  
Page 2

information requested in the Commission's June 15, 2005, Public Notice, DA 05-1636. As certified in its Form 381 filing (FCC File No. BCERCT-20041105ABC), WAPT intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-19990915ATM, but is presently unable to do so.

This letter shall also serve as a request by Hearst-Argyle for an extension and modification of special temporary authority ("STA") to operate WAPT-DT with a reduced facility during the pendency of Hearst-Argyle's maximization waiver request. The Commission last extended Hearst-Argyle's STA on May 27, 2005, for a term expiring July 1, 2005 (FCC File No. BEDSTA-20050518AGI). The STA expiration is concomitant with the use-it-or-lose-it maximization deadline.

A copy of Hearst-Argyle's maximization waiver request is enclosed. Also enclosed is an engineering statement from Hearst-Argyle's consulting engineer which provides further information in support of Hearst-Argyle's waiver request.

During the pendency of Hearst-Argyle's maximization waiver request, Hearst-Argyle requests extension and modification of its DTV STA. Hearst-Argyle requests that the Commission modify its STA to permit operation with 1000 kW ERP (increased from its current 526 kW operation), as indicated in the enclosed engineering statement. Because grant of the instant request for extension and modification of STA would allow Hearst-Argyle to increase its digital television service coverage, grant of the instant request would be in the public interest.

As indicated in the waiver request filed May 10, 2005, Hearst-Argyle is unable to install WAPT's DTV antenna at its maximized construction permit's HAAT of 332 meters because that space is presently leased and occupied by the antenna for Radio Station WJMI(FM), Jackson, MS. Hearst-Argyle's DTV antenna is presently mounted at a lower level on the tower at 251 meters HAAT (208 meters RCAGL). Hearst-Argyle has been operating under an STA with 526 kW ERP and herein requests authority to modify its STA to permit STA operation at 1000 kW ERP. As further detailed in the attached engineering statement, Hearst-Argyle's proposed modified DTV STA operation will cover approximately 92.8 percent of WAPT's predicted maximized population coverage.

Hearst-Argyle is simply unable to comply with the July 1, 2005 deadline because WJMI(FM) has refused to remove its FM antenna until the end of its lease. Hearst-Argyle is, of course, dedicated to digital television and will be able to complete installation of its maximized DTV facility and fully comply with the maximization requirement as soon as WJMI(FM) removes its antenna from Hearst-Argyle's tower.

Enclosed is an FCC Form 159 completed with credit card authorization to cover the requisite STA extension/modification filing fee. Also enclosed is an Anti-Drug Abuse Act Certification.

If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Marlene H. Dortch  
June 30, 2005  
Page 3

Sincerely,

  
BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.

Mark J. Prak  
Coe W. Ramsey  
*Counsel to WAPT Hearst-Argyle Television, Inc.*

Enclosures

cc: Shaun Maher, FCC (via email and hand delivery)  
Vernese O'Bryant, FCC (via email)  
Nazifa Sawez, FCC (via email)  
Nai Tam, FCC (via email)

EXHIBIT A

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of WAPT HEARST-ARGYLE TELEVISION, INC., permittee of WAPT-DT, Channel 21 in Jackson, Mississippi, in support of its request for Special Temporary Authority (STA) to operate with reduced antenna height.

WAPT-DT, in BPCDT-19990915ATM, is authorized to locate its transmitting antenna at the 287-meter level of the existing tower. However, WJMI(FM) currently occupies that position on the tower. Efforts to remove the WJMI antenna have heretofore been unsuccessful, and a structural analysis of the tower reveals that, until the FM antenna is removed, the WAPT-DT antenna cannot be mounted any higher than the 208-meter level without over-stressing the structure. WAPT-DT has been operating under an STA at the 208-meter level with an effective radiated power of 526 kw. The instant STA request differs from that presently authorized in that the WAPT-DT ERP will increase to 1000 kw. The antenna will remain at the present elevation on the tower while negotiations with the FM station continue.

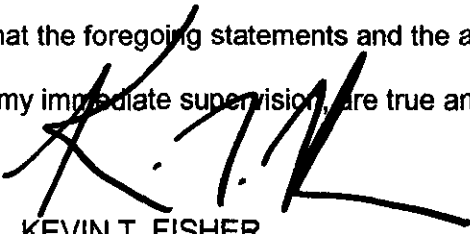
Exhibit B provides antenna pattern data and proposed operating parameters are tabulated in Exhibit C. Exhibit D is a map showing the proposed digital service contour. It also shows that the proposed contour is entirely contained within the contour authorized in BPCDT-19990915ATM. Requisite service (48 dBu) will continue to be provided to the community of license. In all respects, the proposed facility complies with the Commission's Rules.

EXHIBIT A

It is important to note that the newly proposed STA facility will serve 92.8 percent of the service population of WAPT-DT, as authorized in BPCDT-19990915ATM. According to the 2000 U.S. Census, the service populations of the STA facility and the CP facility are 684,668 and 738,079, respectively. In addition, the STA facility will cover 79% of the land area served by the authorized WAPT-DT facility.

We have studied the RF transmissions of this facility with regard to their environmental effect. Employing the methods set forth in *OET Bulletin No. 65* and considering the vertical pattern of the proposed Dielectric antenna, we calculate maximum power density two meters above ground from the proposed facility to be  $0.0046 \text{ mw/cm}^2$ , at locations 254 meters north, southeast and southwest of the tower base, which is but 1.4 percent of the  $0.34 \text{ mw/cm}^2$  reference at this frequency for uncontrolled environments (areas with access to the public). Further, the licensee of WAPT-DT will take whatever preventive steps are necessary, such as reducing power or leaving the air temporarily, to ensure that workers operating in the vicinity of the antenna are not exposed to excessive RF energy. On this basis, a grant of this proposal would clearly constitute a minor environmental action with respect to public and occupational exposure to non-ionizing electromagnetic radiation.

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

  
KEVIN T. FISHER

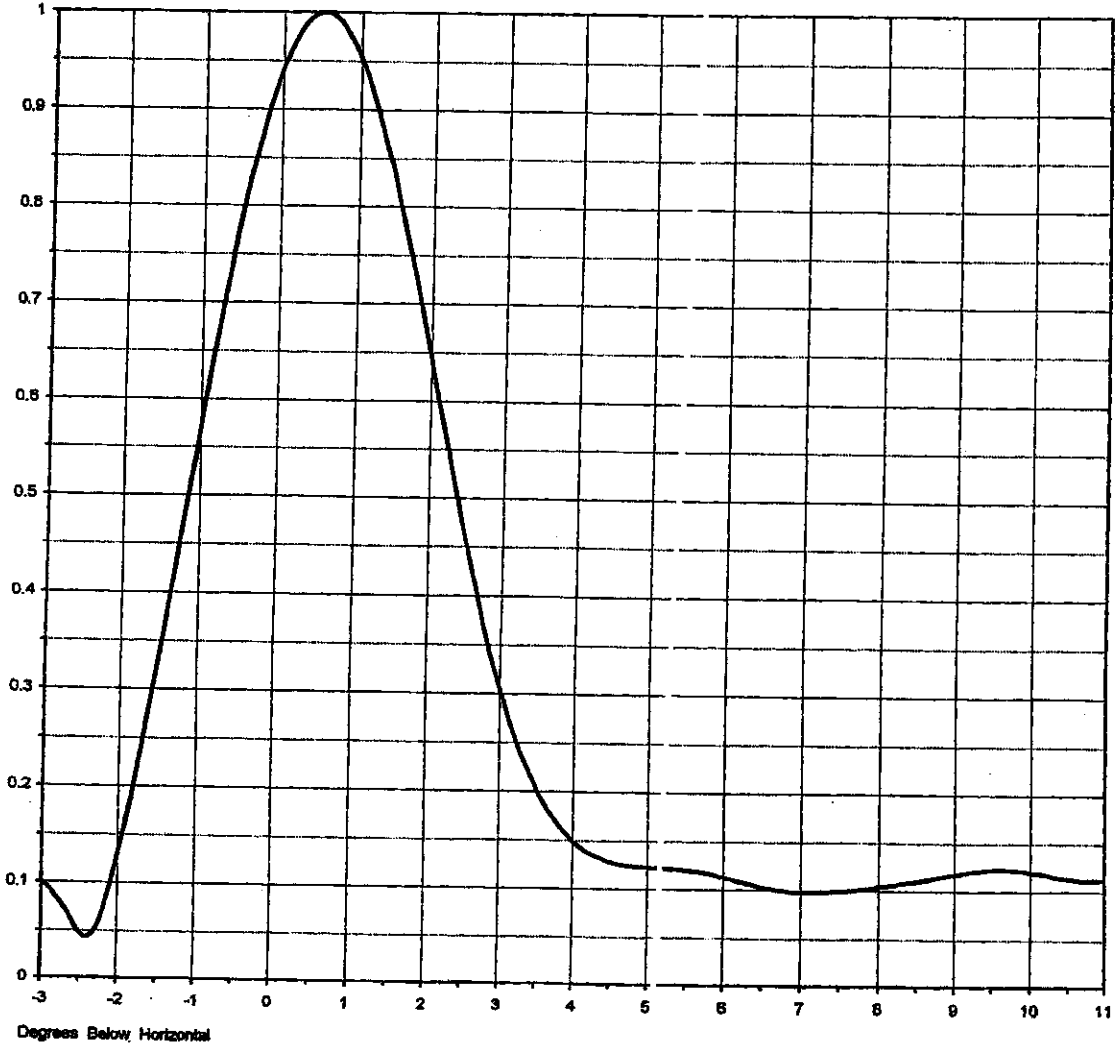
June 17, 2005



Proposal Number **DCA-9436**  
Date **12-Jun-01**  
Call Letters **WAPT** Channel **21**  
Location **Jackson, MS**  
Customer **WAPT**  
Antenna Type **TFU-24DSC-R T170**

### ELEVATION PATTERN

RMS Gain at Main Lobe	<b>19.50 (12.90 dB)</b>	Beam Tilt	<b>0.50 deg</b>
RMS Gain at Horizontal	<b>17.30 (12.38 dB)</b>	Frequency	<b>515.00 MHz</b>
Calculated / Measured	<b>Calculated</b>	Drawing #	<b>24Q195050</b>



### EXHIBIT B-1

#### VERTICAL RELATIVE FIELD PATTERN

PROPOSED STA FACILITY  
WAPT - DT  
CHANNEL 21 - JACKSON, MISSISSIPPI

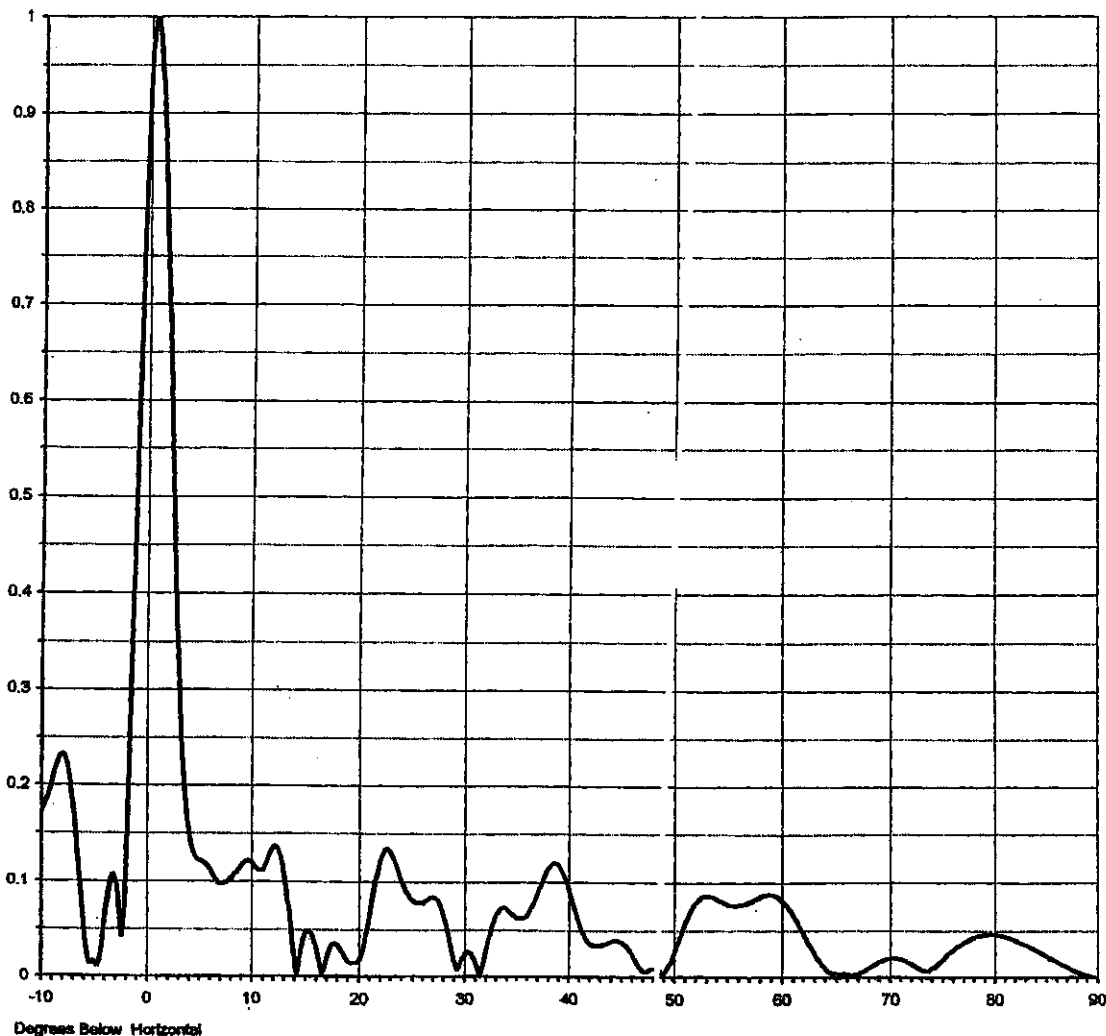
SMITH AND FISHER



Proposal Number **DCA-9436**  
Date **12-Jun-01**  
Call Letters **WAPT** Channel **21**  
Location **Jackson, MS**  
Customer **WAPT**  
Antenna Type **TFU-24DSC-R T170**

### ELEVATION PATTERN

RMS Gain at Main Lobe	<b>19.50 (12.90 dB)</b>	Beam Tilt	<b>0.50 deg</b>
RMS Gain at Horizontal	<b>17.30 (12.38 dB)</b>	Frequency	<b>515.00 MHz</b>
Calculated / Measured	<b>Calculated</b>	Drawing #	<b>24Q195050-90</b>



#### EXHIBIT B-2

**VERTICAL RELATIVE FIELD PATTERN**

**PROPOSED STA FACILITY  
WAPT - DT**

**CHANNEL 21 - JACKSON, MISSISSIPPI**

**SMITH AND FISHER**

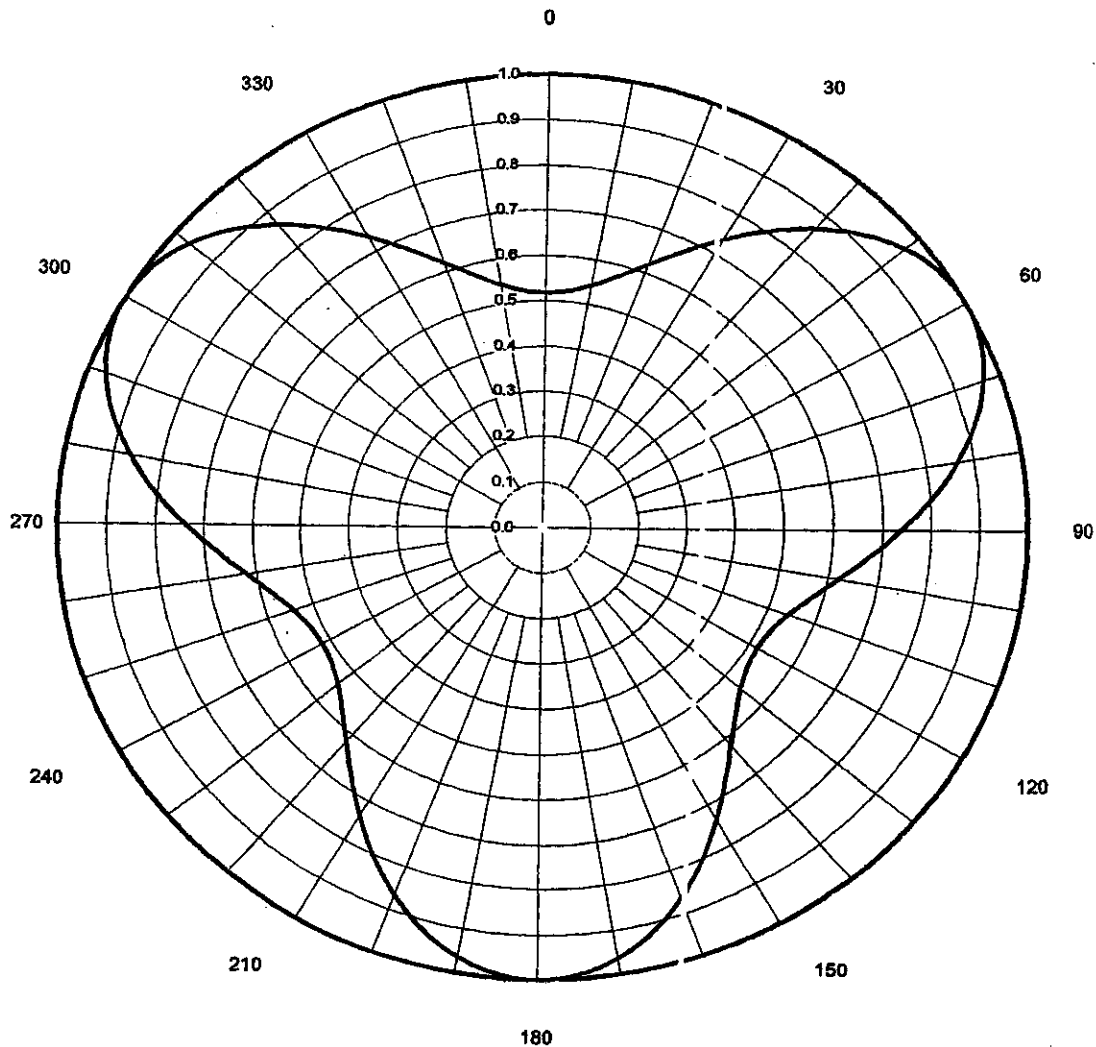


Proposal Number	DCA-9436	
Date	12-Jun-01	
Call Letters	WAPT	Channel 21
Location	Jackson, MS	
Customer	WAPT	
Antenna Type	TFU-24D8C-R T170	

### AZIMUTH PATTERN

Gain	1.70	(2.30 dB)
Calculated / Measured	Calculated	

Frequency	615.00 MHz
Drawing #	TFU-T170-21



### EXHIBIT B-3

#### HORIZONTAL RELATIVE FIELD PATTERN

PROPOSED STA FACILITY  
WAPT - DT  
CHANNEL 21 - JACKSON, MISSISSIPPI

SMITH AND FISHER



SMITH AND FISHER

EXHIBIT B-4

ANTENNA RADIATION VALUES  
PROPOSED STA FACILITY  
WAPT-DT  
CHANNEL 21 - JACKSON, MISSISSIPPI

<u>Azimuth</u> <u>(° T)</u>	<u>Relative</u> <u>Field</u>	<u>ERP</u> <u>(dbk)</u>	<u>Azimuth</u> <u>(° T)</u>	<u>Relative</u> <u>Field</u>	<u>ERP</u> <u>(dbk)</u>
0	0.519	24.3	180	1.000	30.0
10	0.543	24.7	190	0.963	29.7
20	0.619	25.8	200	0.865	28.7
30	0.737	27.3	210	0.737	27.3
40	0.865	28.7	220	0.619	25.8
50	0.963	29.7	230	0.543	24.7
60	1.000	30.0	240	0.519	24.3
70	0.963	29.7	250	0.543	24.7
80	0.865	28.7	260	0.619	25.8
90	0.737	27.3	270	0.737	27.3
100	0.619	25.8	280	0.865	28.7
110	0.543	24.7	290	0.963	29.7
120	0.519	24.3	300	1.000	30.0
130	0.543	24.7	310	0.963	29.7
140	0.619	25.8	320	0.865	28.7
150	0.737	27.3	330	0.737	27.3
160	0.865	28.7	340	0.619	25.8
170	0.963	29.7	350	0.543	24.7

EXHIBIT C-1

PROPOSED OPERATING PARAMETERS

PROPOSED STA FACILITY  
WAPT-DT  
CHANNEL 21 - JACKSON, MISSISSIPPI

ERP	1000 kw
Site Elevation AMSL	136 meters
Overall Structure Height AGL	323.3 meters
Radiation Center Height AGL	208 meters
Radiation Center Height AMSL	344 meters
Radiation Center Height AAT	251 meters
Antenna Structure Registration Number	1038230
Antenna Type	DA
Geographic Coordinates	32-16-41 N 90-17-40 W

PROPOSED OPERATING PARAMETERS

PROPOSED STA FACILITY  
WAPT-DT  
CHANNEL 21 - JACKSON, MISSISSIPPI

Transmitter power output	34.6 kw
Transmission line loss	4.5 kw
Input to antenna	30.1 kw
Antenna gain (maximum)	33.2
Effective radiated power (maximum)	1000 kw

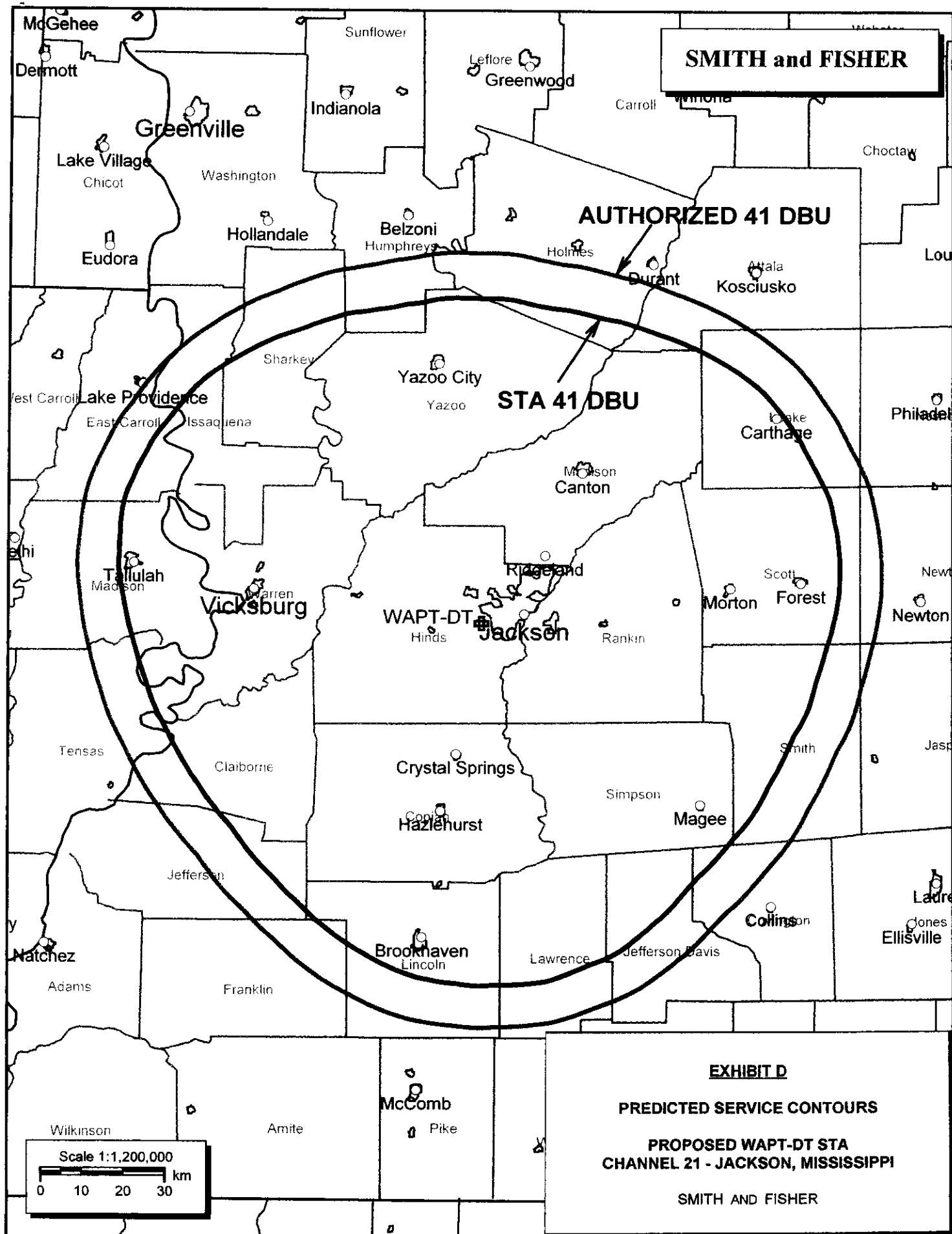
Transmitter make and model:	Type-accepted
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Transmission line

Make and model:	Dielectric EIA
Size:	8-3/16"
Type:	Rigid Coax
Length:	740 feet
Efficiency:	87.0%

Antenna

Make and model:	Dielectric TFU-24DSC-RT170
Type:	Directional
Electrical Beam Tilt:	0.5°

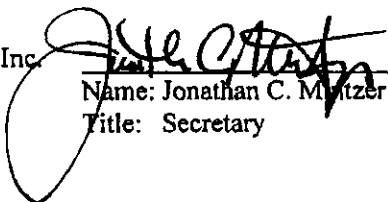


## ANTI-DRUG ABUSE ACT CERTIFICATION

By checking "Yes", the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, refer to 47 C.F.R. §1.2002(b).

☒ Yes☐ No

WAPT Hearst-Argyle Television, Inc.  
Licensee

  
Name: Jonathan C. Mitzer  
Title: Secretary

Date: June 14, 2005

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING		FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE		Approved by OMB 3060-0589 Page No <u>1</u> of <u>1</u>	
				SPECIAL USE FCC USE ONLY	
(1) LOCKBOX # <b>358165</b>					
<b>SECTION A - PAYER INFORMATION</b>					
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) <b>Hearst-Argyle Television, Inc.</b>			(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) <b>\$150.00</b>		
(4) STREET ADDRESS LINE NO. 1 <b>c/o Brooks, Pierce, et. al.</b>					
(5) STREET ADDRESS LINE NO. 2 <b>PO Box 1800</b>					
(6) CITY <b>Raleigh</b>			(7) STATE <b>NC</b>	(8) ZIP CODE <b>27602</b>	
(9) DAYTIME TELEPHONE NUMBER (include area code) <b>(919) 839-0300</b>			(10) COUNTRY CODE (if not in U.S.A.)		
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>					
(11) PAYER (FRN) <b>0001675974</b>			(12) PAYER (TIN) <b>742717523</b>		
<b>IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)</b>					
(13) APPLICANT NAME <b>WAPT Hearst-Argyle Television, Inc.</b>					
(14) STREET ADDRESS LINE NO. 1 <b>Same as above</b>					
(15) STREET ADDRESS LINE NO. 2					
(16) CITY			(17) STATE	(18) ZIP CODE	
(19) DAYTIME TELEPHONE NUMBER (include area code)			(20) COUNTRY CODE (if not in U.S.A.)		
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>					
(21) APPLICANT (FRN) <b>0004253803</b>			(22) APPLICANT (TIN) <b>880326832</b>		
<b>COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET</b>					
(23A) CALL SIGN/OTHER ID <b>WAPT-DT</b>		(24A) PAYMENT TYPE CODE <b>MGT</b>		(25A) QUANTITY <b>1</b>	
(26A) FEE DUE FOR (PTC) <b>\$150.00</b>	(27A) TOTAL FEE <b>\$150.00</b>		FCC USE ONLY		
(28A) FCC CODE 1		(29A) FCC CODE 2			
(23B) CALL SIGN/OTHER ID		(24B) PAYMENT TYPE CODE		(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE		FCC USE ONLY		
(28B) FCC CODE 1		(29B) FCC CODE 2			
<b>SECTION D - CERTIFICATION</b>					
(30) CERTIFICATION STATEMENT I, <b>Alvin R. Lustgarten</b> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE <u><i>Alvin R. Lustgarten</i></u> DATE <u>6/23/2005</u>					
<b>SECTION E - CREDIT CARD PAYMENT INFORMATION</b>					
(31)	MASTERCARD/VISA ACCOUNT NUMBER: <b>2611</b>				EXPIRATION DATE: <b>05/08</b>
<input checked="" type="checkbox"/> <b>MASTERCARD</b>					
<input type="checkbox"/> <b>VISA</b>	I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.				
SIGNATURE <u><i>Alvin R. Lustgarten</i></u>		DATE <u>6/23/2005</u>			

**BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.**

**ATTORNEYS AT LAW**

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WASHINGTON, D.C. 20004

WRITER'S DIRECT DIAL

May 10, 2005

**RECEIVED**

MAY 10 2005

Federal Communications Commission  
Office of Secretary

**EXPEDITED PROCESSING REQUESTED**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: **WAPT-DT, Jackson, MS**  
**Request for Maximization/Replication Waiver**

Dear Ms. Dortch:

On behalf of WAPT Hearst-Argyle Television, Inc. ("Hearst-Argyle" or "WAPT"), the license of WAPT(TV), Jackson, MS, this letter shall serve as Hearst-Argyle's request for waiver of the Commission's use-it-or-lose-it maximization/replication deadline of July 1, 2005. *See Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, FCC 04-192 (Rel. Sept. 7, 2004) ("DTV R&O"), at ¶¶ 83, 87.

As certified in its Form 381 filing (FCC File No. BCERCT-20041105ABC), WAPT intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-19990915ATM. The parameters of WAPT's maximized facilities are as follows:

<i>Maximized Construction Permit</i>		
Channel	ERP	HAAT
21	1000 kW	332 meters

WAPT is presently operating its DTV facility pursuant to its DTV STA in FCC File No. BDSTA-20021010ABA in accordance with the following parameters:

<i>Current STA Operation</i>		
Channel	ERP	HAAT
21	526 kW	251 meters

Further, prior to July 1, 2005, WAPT intends to seek modification of its STA and commence DTV operation with 1000 kW ERP at 251 meters HAAT.

Hearst-Argyle is unable to install WAPT's DTV antenna at its maximized construction permit's HAAT of 332 meters because that space is presently leased and occupied by the antenna for Radio Station WJMI(FM), Jackson, MS. WJMI's lease expires in 2008 and WJMI has not agreed to terminate its lease early to accommodate WAPT's DTV antenna. After the lease ends and the FM antenna is removed from the tower, WAPT intends to locate its DTV antenna at the height specified in its maximized construction permit. Until the FM antenna is removed, it is physically impossible for WAPT to construct its DTV facility at 332 meters HAAT. Hearst-Argyle notified the Commission that it would be filing the instant waiver request in connection with its FCC Form 381 filing.

In the *DTV R&O*, the Commission stated that it "will establish a limited waiver process and grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause is shown." *DTV R&O*, at ¶ 87. Stations "that cannot build out for reasons beyond their control" may seek a waiver. *DTV R&O*, at ¶ 83. The instant case clearly presents a circumstance beyond Hearst-Argyle's control, as it is physically impossible to mount WAPT-DT's antenna at 332 meters HAAT until the FM antenna is removed.

Though it is physically impossible for WAPT to operate its DTV station at its allotted HAAT until the FM antenna is removed, Hearst-Argyle is, of course, dedicated to digital television and plans to commence operation of its facility at maximum permissible power from its currently authorized, albeit lower, HAAT.



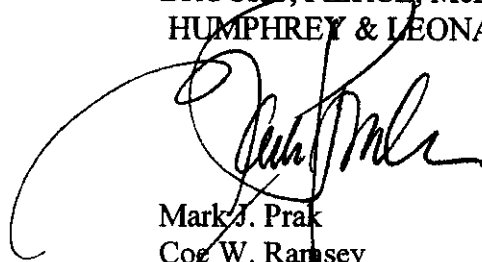
Marlene H. Dortch  
May 10, 2005  
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For the foregoing reasons, Hearst-Argyle believes that a waiver of the Commission's use-it-or-lose-it maximization/replication deadline is warranted in this case and is necessary or otherwise in the public interest.

If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.

A handwritten signature in black ink, appearing to read 'Mark J. Prak', is written over the typed name and title. The signature is fluid and cursive.

Mark J. Prak  
Cof W. Ramsey  
*Counsel to WAPT Hearst-Argyle  
Television, Inc.*

cc: Clay Pendarvis, FCC (via email)  
Nazifa Sawez, FCC (via hand delivery)